

Howard League for Penal Reform

**Redesigning Justice:
Promoting civil rights, trust and fairness**

International conference

21–22 March 2018, Keble College, Oxford



Parallel Sessions

Day 1: Parallel session 1

Panel 1: Imprisonment and vulnerabilities

**Chair: Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform
Room 1, Third Floor, Sloane Robinson Building**

Anxiety, indifference and violence: The design and psychodynamics of life in a local prison

Eleanor Fellowes, Visiting Lecturer, Portman Clinic, Tavistock and Portman NHS Foundation Trust

The isolation of children in prison

Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform

Prison as a place of safety for women with complex mental health needs

Tamara Pattinson, Inspector, Her Majesty's Inspectorate of Prisons

Panel 2: Rethinking justice

**Chair: Stephanie Davin, Campaigns Officer, Howard League for Penal Reform
Room 2, Third Floor, Sloane Robinson Building**

The problem of legislative omission in the Iraqi political system after 2003

Abdulahleem Mohammed, University of Reading

Material insecurity and institutional ineffectiveness as mediators of the effect of procedural justice in Ukraine: Does vulnerability explain the failure of Tyler's legitimacy construct in developing countries?

Robert P Peacock, Doctoral Candidate, Michigan State University

Customary law - A challenge to justice in Indian legal framework : A case study of Meghalaya, a state of North East India

Sanghamitra Sarker, Associate Professor, Department of Political Science, SNCW College, University of Calcutta, India

How do we 'do' justice? Using philosophy to clarify organisational systems

Dr Jess Urwin, De Montfort University

Panel 3: Citizenship

**Chair: Dr Julie Trebilcock, Middlesex University and Howard League Research Advisory Group
Room 3, Third Floor, Sloane Robinson Building**

Prisoners' rights and penal reform in a European context: Exploring obstacles to policy transfer

Dr Tom Daems, Leuven Institute of Criminology (LINC)

Redefining the prisoner as citizen

Professor Susan Easton, Brunel Law School

Criminal records, 'collateral consequences' and civic purgatory: How might we achieve 'justice as fairness'?

Dr Andrew Henley, Lecturer in Criminology, Keele University

The disenfranchisement of ex-felons in Florida: A history

Sarah A Lewis, Professor of Legal Research, University of Florida Levin College of Law

Panel 4: Education and criminal justice

Chair: Anna Spencer, Caseworker, Howard League for Penal Reform

Room 4, Third Floor, Sloane Robinson Building

Learning cultures in prison: Creating spaces of aspiration

Morwenna Bennallick, PhD candidate, Royal Holloway, University of London

Rethinking the school-to-prison pipeline: Moving from institutional entanglements to civic ecologies

Dr Benjamin Justice, Professor and Chair, Department of Educational Theory, Policy and Administration, Rutgers University Graduate School of Education

Re-engaging young offenders with education in a secure custodial setting: Reality over rhetoric

Adeela Ahmed Shafi, University of Bristol; Senior Lecturer in Education, University of Gloucestershire

Panel 5: Diversion

Chair: Andrew Neilson, Director of Campaigns, Howard League for Penal Reform

Room 5, Third Floor, Sloane Robinson Building

Keeping criminal cases out of court

Rob Allen, Independent Researcher

Preventing the unnecessary criminalisation of children in residential care in England

Claire Sands, Youth Justice Researcher

Andrew Neilson, Howard League for Penal Reform

Diversion in youth justice: What can we learn from historical and contemporary practices?

Professor Roger Smith, University of Durham

Panel 6: Penal policy and practice

Chair: Eoin McLennan-Murray, Chair, Howard League for Penal Reform

Room 6, Third Floor, Sloane Robinson Building

Monuments in stone: A comparative historical analysis of prison building programmes in England and Wales since 1959

Dr Thomas Guiney, Mannheim Centre for Criminology, London School of Economics and Political Science

Understanding and reducing the use of imprisonment: Emerging evidence from ten jurisdictions

Catherine Heard, Director, World Prison Research Programme and Senior Research Fellow, Institute for Criminal Policy Research, Birkbeck

definition of what 'justice' is in that context. This paper argues that we need to develop a practical philosophy of criminology to ensure that the structures and practices through which we carry out the law are in themselves just, and poses questions of what we want justice to be.

Panel 3: Citizenship

Prisoners' rights and penal reform in a European context: Exploring obstacles to policy transfer

Dr Tom Daems, Leuven Institute of Criminology (LINC)

In this paper we will discuss the role key European institutions (such as the European Court of Human Rights, the European anti-torture committee or the European Court of Justice) play in formulating and diffusing norms and ideas with respect to the treatment of prisoners from a policy transfer perspective. The paper will focus in particular on the failure to diffuse such norms and ideas: what are the obstacles to policy transfer? Notwithstanding some important progress in developing prisoners' rights within a European context it has been noted that member states often fail to execute judgments of the European Court of Human Rights or to implement recommendations from the European anti-torture committee. How and why is this happening?

Redefining the prisoner as citizen

Professor Susan Easton, Brunel Law School

This paper argues for a broadening of the notion of the prisoner as citizen. It considers the ways in which the prisoner's status as a citizen has been undermined by the penal system. Attention has focused in recent years on the starkest denial of citizen status, namely disenfranchisement. While voting rights are important, and rightly pursued and defended, as a recognition of equality and dignity, the paper argues that citizenship should be construed more broadly and that citizenship is already performed through a range of activities in prison which should be given more support. Developing these forms of active citizenship, it is argued, will promote recognition of the contributions of prisoners and have positive benefits for the prisoner, the prison community and the wider society.

Criminal records, 'collateral consequences' and civic purgatory: How might we achieve 'justice as fairness'?

Dr Andrew Henley, Lecturer in Criminology, Keele University

Over 11 million people in the UK have a criminal record listed on the Police National Computer. Despite the introduction of legislation such as the Rehabilitation of Offenders Act 1974, previous convictions may still negatively affect access to employment, financial services and other social goods as well as the right to participate fully in civil society. A substantial proportion of the population therefore exist in a potential state of 'civic purgatory' – no longer as 'criminals' within the justice system, but excluded from a return to full and meaningful 'citizen' status (if, indeed, such a status was ever enjoyed prior to the acquisition of a criminal record).

This paper suggests that such a situation has emerged due to the hegemony of utilitarian approaches to criminal justice and two related doctrines which are underpinned by this penal philosophy - 'less eligibility' and 'non superiority'.